

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JAMAR ANTHONY POOLE,

Plaintiff,

v.

Case Number: 12-15045

JOHN FELTON, et al.,

Defendants.

/

ORDER DENYING PETITIONER'S "MOTION TO SHOW CAUSE"

Jamar Anthony Poole, a federal prisoner presently confined in Milan, Michigan, filed a *pro se* civil compliant alleging defendants violated Michigan's eavesdropping statute, Mich. Comp. Laws § 750.539h. The court dismissed the matter because Poole failed to establish subject-matter jurisdiction. Now before the court is Poole's "Motion to Show Cause and Motion for Reconsideration, and Motion to Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) and 15(c), and Motion to Remand to the State Court."

Poole asks the court to "show cause" how the court "obtained" his compliant when he mailed it to the Jackson County Circuit Court, not this court. There is no provision in the federal rules allowing a litigant to "show cause" a federal court in this manner and the court denies this request.

The remainder of Poole's motion seeks reconsideration and amendment of the order of dismissal to allow for remand of this matter to the state court rather than dismissal of the action. Motions for reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled,

and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(h)(3). A motion to alter or amend judgment under Rule 59(e) may be granted if there is "(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice."

Intera Corp. v. Henderson, 428 F.3d 605, 620 (6th Cir. 2005). This action originated in the federal court and cannot, therefore, be remanded to the state court. *Carnegie-Mellon University v. Cohill*, 484 U.S. 343, 351 (1988). Accordingly,

IT IS ORDERED that Petitioner's "Motion to Show Cause and Motion for Reconsideration, and Motion to Amend Judgment Pursuant to Fed. R. Civ. P. 59(e) and 15(c), and Motion to Remand to the State Court" (Dkt. # 13) is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: June 24, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 24, 2014, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522